

**DISPOSITION:** The defendants having filed answers denying that the oysters were adulterated as alleged in the complaint, the case came on for trial before the court without a jury on or about September 8, 1957. The trial was concluded on 9-12-57, at which time the court handed down its decision that the Government had not made out a case which would justify an injunction [155 F. Supp. 40]. In accordance with such decision, formal findings of fact and conclusions of law were entered by the court on 11-26-57 [155 F. Supp. 847].

## FRUITS AND VEGETABLES

### CANNED FRUIT

**25301. Canned peaches.** (F.D.C. No. 42354. S. No. 29-120 P.)

**QUANTITY:** 400 cases, 24 cans each, at New Orleans, La.

**SHIPPED:** 9-15-58, from Haddock, Ga., by Cherokee Products Co.

**LABEL IN PART:** (Can) "O'Sage Brand Contents 1 Lb. 13 Oz. Halves—Yellow Freestone Peaches In Heavy Syrup Packed by Cherokee Products Co., Haddock, Ga." or "Raggedy Ripe Freestone."

**LIBELED:** 11-12-58, E. Dist. La.

**CHARGE:** 402(a) (3)—contained a decomposed substance when shipped.

**DISPOSITION:** 12-12-58. Consent—claimed by Cherokee Products Co. Segregated; 173 cases, 24 cans each, destroyed.

### DRIED FRUIT

**25302. Pitted dates.** (F.D.C. No. 42122. S. Nos. 29-630 P, 29-635 P.)

**QUANTITY:** 18 cases, 12 1-lb. boxes each, and 14 cases, 24 8-oz. boxes each, at Abilene, Tex.

**SHIPPED:** 10-14-57, from Fort Worth, Tex.

**LIBELED:** On or about 9-22-58, N. Dist. Tex.

**CHARGE:** 402(a) (3)—contained insects while held for sale.

**DISPOSITION:** 12-8-58. Default—destruction.

**25303. Pitted dates.** (F.D.C. No. 42225. S. Nos. 38-423 P, 38-565 P.)

**QUANTITY:** 58 cases, 24 8-oz. pkgs. each, and 34 cases, 24 1-lb. pkgs. each, at Hope, Ark., in possession of Stephens Grocer Co.

**SHIPPED:** 8-24-57, from New York, N.Y.

**LIBELED:** 10-10-58, W. Dist. Ark.

**CHARGE:** 402(a) (3)—contained insects; and 402(a) (4)—held under insanitary conditions.

**DISPOSITION:** 12-1-58. Default—consumption by animals.

### MISCELLANEOUS FRUIT PRODUCTS

**25304. Canned orange juice.** (F.D.C. No. 42190. S. No. 7-584 P.)

**QUANTITY:** 100 cases, 24 1-pt. 2-oz. cans each, at Somerville, Mass.

**SHIPPED:** 8-25-58, from East Providence, R.I., by First National Stores, Inc.

**LABEL IN PART:** (Can) "YOR' Garden California Unsweetened Orange Juice."